IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3421 of 1996

Between:

Mohammad Sarwar S/o. late Miskeen Saheb
R/o. Jaggaiahpet Krishna Dist.

..... PETITIONER

AND

1 Jaggaiahpet Nagar Panchayat, rep.by its Commissioner
Jaggaiahpet (v), Krishna Dist.
2 The A.P.State Wakf Board, rep.by its Secretary
Opp:Public Garden Nampally
Hyderabad
3 Namburi Narendra Babu S/o. Venkateswarlu
Jaggaiahpet (V) & (M) Jaggaiahpet
Krishna Dist.
4 Tammapalli Kaldhar S/o. Surya Prakasam
R/o.Jaggaiahpet (V) & (M) Jaggaiahpet
Krishna Dist.
5 Kangala Chalam
R/o. Jaggaiahpet (V) Jaggaiahpet (M)
Krishna Dist.
6 Dosapati Muttaiah S/o. Seethaiah
R/o. Jaggaiahpet (V) Jaggaiahpet (M)
Krishna Dist.
7 The Dist. Collector
Machilipatnam Krishna Dist.
(RRs 7 & 8 are impleaded as per C.O. dt: 21/3/96 in WPMP 4999/96)
8 The Dist.Panchayat Officer
Machilipatnam Krishna Dist.
(RRs 7 & 8 are impleaded as per C.O. dt: 21/3/96 in WPMP 4999/96)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, or a direction or a writ, particularly one in the nature of Writ of Mandamus directing the respondents to act according to Law in protecting the immoveable property of the poor petitioner Vis a Vis the 2nd respondent, in particular and to safe-guard the health of the residents of the locality in general by causing to remove the sewage water pipes laid on the public Road by the respondents 3 to 6 abutting the compound wall of the Jamia Mosque Complex and the petitioner's thatched house, thereby clearing off the nuisance, maintaining at the same time the premises the public road neat and clean.

Counsel for the Petitioner: MR.MD.AZIZULLAH KHAN

Counsel for the Respondents: MR.P.PRABHAKAR RAO.

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.3421 OF 1996

ORDER:

This writ petition is filed seeking a direction to the respondents to remove the sewage water pipes laid on the road by the respondents 3to 6.

It is the case of the petitioner that the respondents 3 to 6, who are private parties are releasing sewage water through the pipes laid by them on the public road abutting the compound wall of the petitioners house and Jamia mosque complex, which are lying in the lower levels. It is the case of the petitioner that as the respondents 3 to 6 are releasing the sewage water unauthorisedly, the same is causing nuisance and also resulting in health hazards. It is stated in the affidavit filed in support of the writ petition that a complaint in this regard is also filed before the Nagar panchayat on 11.4.1995, but no action has been taken. Aggrieved by the same, he approached this Court seeking relief by way of mandamus.

This Court cannot grant the relief as sought for. However, inasmuch as the petitioner has stated that he already moved before the first respondent by filing representation,

I dispose of the writ petition directing the first respondent to consider the said representation, if not considered, and pass appropriate orders. The petitioner shall file a copy of such representation before the first respondent within a period of four weeks from the date of receipt of a copy of this Order. On filing such representation, the first respondent shall consider the same in accordance with law and pass appropriate orders as expeditiously as possible.

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(JUSTICE R.SUBHASH REDDY)

Dt.04.02.2005.

Mdaa.

Copy to:

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4 The Dist.Panchayat Officer
Machilipatnam Krishna Dist.
5. Two C.Cs to G.P. for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad (OUT).

6. Two C.D.copies.

7. One C.C.to Mr.P.Prabhakar Rao, Advocate.